

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY THE NINTH DAY OF AUGUST
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO.25392 of 2002

Between:

Ilavala Prabhakar Reddy and another

..... PETITIONERS

AND

The Vengamukkapalem Gram Panchayat,
Rep. By its Panchayat Secretary,
Vengamukkapalem, Ongole Mandal,
Prakasam District and 3 others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.25392 of 2002

ORDER:

This writ petition is filed by the petitioners, questioning the action of the Panchayat Secretary, who has issued a notice dated 28.09.2002, directing the villagers not to take water from the Well situated in Peddacheruvu/big tank, through illegal motors.

The contention of the petitioners is that the Panchayat Secretary has no power to issue such notice, in the absence of any resolution, passed by the Gram Panchayat, directing the Secretary to take such action.

This Court suspended the impugned notice on 10.07.2003. But, however, no counter has been filed.

Under the above circumstances, the impugned notice, issued by the Panchayat Secretary, is set aside. However, it is made clear that if the Gram Panchayat has got any power to take any action against the villagers from taking water from the Well, situated in Peddacheruvu/big tank, it is open to the Gram Panchayat to take appropriate action, in accordance with law.

The Writ Petition is, accordingly, allowed. No order as to costs.

S.ANANDA REDDY,J

Dated: 09.08.2007

Dsr